

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JEFFERSON-PILOT LIFE INSURANCE
COMPANY,

Plaintiff,

vs.

CHRISTOPHER L. KEARNEY,

Defendant.

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Case No. C-1-02-479

(Judge Spiegel)

(Magistrate Judge Hogan)

**DECLARATION OF WILLIAM R.
ELLIS**

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

I, William R. Ellis, being first duly cautioned and sworn, state as follows:

1. I am trial counsel of record in the above-captioned case.

2. On May 13 and 14, 2004 I was in Springfield, Massachusetts for the depositions of Robert Mills, William Hughes, Todd Dittmer, Janet Beattie, and Robert Bonsal. These depositions were noticed by counsel for Defendant, Mr. Roberts.

3. In compliance with Mr. Roberts' Notices of Deposition, the depositions of the above-listed witnesses were scheduled over a two day period on the 13th and 14th of May.

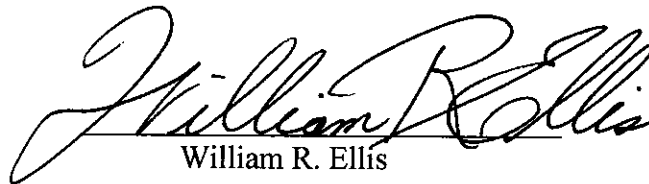
4. On May 14, 2004, it became apparent that Mr. Roberts had underestimated the amount of time he would need to complete the depositions.

5. During the deposition of Mr. Mills, I offered to continue the deposition and depart on a later flight. There was a flight that would return to Cincinnati at approximately 11:00 p.m.

6. Mr. Roberts refused to continue Mr. Mills' deposition and stated that he did not want to return to Cincinnati that late.

7. Mr. Roberts' response to the later flight and direction to discharge the other witnesses clearly indicated his intention to return home rather than request continuing the depositions the following day, (Saturday).

8. I am unavailable to attend the depositions noticed for the 24th and 25th of May due to prior conflicts that cannot be rescheduled including a final pre-trial conference in the U.S. District Court for the Western District of Pennsylvania set for the 25th. The depositions were noticed on Wednesday, May 19 at 2:59 p.m., just 2¼ working days before the 24th.



William R. Ellis

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